

REMARKS

This application has been reviewed in light of the Office Action mailed November 2, 2007. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1, 2 and 4 – 30 are pending in the application with Claim 1, 6, 17, 19, 23, 24, 27 and 29 being in independent form.

Initially, in the present Office Action Summary the Examiner misidentified Claim 3 as having been withdrawn, however Claim 3 was canceled in the amendment filed on August 6, 2007.

I. Rejection of Claims 27 – 30 Under 35 U.S.C. § 101

Claims 27 – 30 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed towards non-statutory subject matter. Specifically, the Examiner takes issue with the recitation of “a moving picture transmission program” because the recited program is not embodied in a computer readable medium.

However, the preamble of Claims 27 and 29 have been amended to recite: “[A] moving picture transmission system having a moving picture transmission program embodied on a computer readable medium...” and Claims 28 and 30 have been amended to recite: “[A] moving picture transmission according to...” Therefore, Claims 27 – 30 as currently presented are believed to overcome the rejection.

II. Rejection of Claims 1, 4, 6, 8, 9, 17 – 20, 27 and 29 Under 35 U.S.C. § 102(b)

Claims 1, 4, 6, 8, 9, 17 – 20, 27 and 29 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6,014,694 issued to Aharoni et al.

Aharoni et al. discloses a motion picture transport system that, according to the present Office Action, includes a transmission side that sends a plurality of encoded data comprising

primary encoded data produced by compressing input moving picture frames using interframe prediction, based on the teaching in col. 9, lines 35 – 40; and one or plural encoded data comprising secondary encoded data produced by compressing the input frames at one or plural compression ratios, which are higher than the compression ratio of the primary encoded data, using interframe prediction referring to picture frames obtained by decoding the primary encoded data, based on col. 6, lines 64 - 65.

However, contrary to the assertions in the present Office Action Aharoni et al. does not teach either a primary encoded data, or a secondary encoded data produced by compressing the input frames at one or plural compression ratios using interframe prediction referring to picture frames obtained by decoding the primary encoded data. Rather, Aharoni et al. teaches in col. 6, lines 61 – 67 that the disclosed system varies the quality of the transmitted video based the available bandwidth of the network. As the amount of available bandwidth varies, the Aharoni et al. system adjusts the compression ratio accordingly. There is no implicit or explicit teaching or suggestion in Aharoni et al. that a primary encoded data and a secondary encoded data are produced and sent by the transmission side, as recited in Applicants' independent claims. In fact, based on the teaching in col. 2, lines 44 – 65 of Aharoni et al., it is evident that each frame is transmitted to the client side at one compression level.

Also, while the compression level of each individual frame may vary, no suggestion is made that each frame is transmitted at multiple compression levels. Thus, since only one compression level version of each frame is transmitted, the client side does not perform a selection from the plurality of encoded data. The passage in Aharoni et al. relied upon in the present Office Action as disclosing reception side selection in fact discloses a selection process

performed on the server, or transmission side, and not on the reception side as asserted in the present Office Action (See: col. 11, lines 25 – 65).

In short, Aharoni et al. is directed towards controlling the transmission bitrate. The Aharoni et al. transmitter selects data of one bitrate or another for transmission. Thus, only one version of the data is transmitted to a receiver. On the other hand, Applicants' claimed invention transmits multiple versions of the data in an effort to provide error resilience. In the present invention, the receiving system selects one of the multiple versions of the transmitted data to decode.

Moreover, Aharoni et al. fails to disclose that the "secondary encoded data is produced by compressing the input frames at one or plural compression ratios... using interframe prediction referring to picture frames obtained by decoding the primary encoded data.

It is well-settled by the Courts that "[A]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company, et al., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir., 1984).

Therefore, as demonstrated above, because Aharoni et al. does not disclose each and every element recited in the present claims, Applicant respectfully submits that the rejection has been obviated. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 1, 4, 6, 8, 9, 17 – 20, 27 and 29 under 35 U.S.C. § 102(b).

III. Rejection of Claims 2, 5, 7, 10 – 16, 21 – 26, 28 and 30 Under 35 U.S.C. § 103(a)

Claims 2, 5, 7, 10, 13, 14, 23, 24, 28 and 30 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Aharoni et al. in view of U.S. Patent No. 5,111,292 issued to Kuriacose et al.; Claims 11, 12, 15, 16, 21 and 22 are rejected under 35 U.S.C. § 103(a) as allegedly obvious

over Aharoni et al. in view of U.S. Patent No. 5,481,543 issued to Veltman; and Claims 25 and 26 are rejected by the Examiner under 35 U.S.C. § 103(a) as allegedly obvious over Aharoni et al. in view of Kuriacose et al. and further in view of Veltman.

As discussed above, Aharoni et al. fails to properly disclose or suggest a primary encoded data, or a secondary encoded data produced by compressing the input frames at one or plural compression ratios using interframe prediction referring to picture frames obtained by decoding the primary encoded data; and a selection of one of encoded data with frame-by-frame selection from the plurality of encoded data received by the reception side, as recited in the independent claims.

However, Kuriacose et al. and Veltman fail to overcome the above-identified deficiencies in Aharoni et al. Therefore, Aharoni et al. Kuriacose et al. and Veltman, taken alone or in any proper combination, fail to properly disclose or suggest Applicants' claimed invention.

Specifically regarding the teachings of Kuricose et al., an error protection technique using forward error correction and layered coding is disclosed. In general, layered coding generates a base layer and one or more enhancement layers. Each enhancement layer depends on the base layer and any intervening enhancement layers. Consequently enhancement layers cannot be decoded without the base layer and the intervening enhancement layers.

In contrast, Applicants' claimed encoder generates multiple versions of the same frame at different bitrates. Each version of the data is independent of the other versions of the same frame, such that each encoded frame version can be separately and independently decoded to obtain the prediction parameters and residual image data for the frame.

Therefore, for at least the reasons provided above, Claims 2, 5, 7, 10 – 16, 21 – 26, 28 and 30 are believed to allowable over the prior art references. Accordingly, Applicants


respectfully request withdrawal of the rejection with respect to Claims 2, 5, 7, 10 – 16, 21 – 26, 28 and 30 under 35 U.S.C. § 103(a) over any proper combination of Aharoni et al., Kuriacose et al. and Veltman.

CONCLUSIONS

In view of the foregoing remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1, 2 and 4 – 30 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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